

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

United States of America

vs.

Israel Callejas-Martinez

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1:20-mj-00215-SH

**ORDER**

Before the Court are Defendant's Motion for Emergency Release Due to COVID-19 and Motion to Set Bond, filed May 8, 2020 (Dkt. 13); the United States' Preliminary Response to Defendant's Motion for Emergency Release Due to COVID-10, filed May 11, 2020 (Dkt. 14); the United States' Amended Preliminary Response to Defendant's Motion for Emergency Release Due to COVID-19, filed May 11, 2020 (Dkt. 15); and Defendant's Motion in Support of Defendant's Release, filed May 27, 2020 (Dkt. 19). A detention hearing was held before the undersigned on May 28, 2020, via video teleconference, with the consent of Defendant Israel Callejas-Martinez and the United States. This order sets forth the Court's findings of fact and conclusions of law, as required by 18 U.S.C. § 3142(i).

**I. Background**

Mr. Callejas was arrested on March 5, 2020, pursuant to a criminal complaint that he is an alien who was removed from the United States to Mexico in 2009 and violated 8 U.S.C. § 1326 by unlawfully and illegally reentering this country without having obtained permission from the Attorney General of the United States or the Secretary for Homeland Security to reapply for admission. Dkt. 1. The government moved to detain Mr. Callejas without bond. Dkt. 2. Mr. Callejas waived a detention hearing, Dkt. 8, and was ordered detained on March 18, 2020. Dkt. 9.

## **II. Motion to Set Bond**

After considering the factors set forth in 18 U.S.C. § 3142(g), information in the Pretrial Services Report, and the evidence and arguments of counsel presented at the detention hearing and in the parties' briefing, the Court concludes that Mr. Callejas must be detained pending trial because the Government has proven by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure his appearance as required. In addition to any findings made on the record, the most compelling reasons for detention include (1) the nature of the alleged offense; (2) the weight of the evidence against Mr. Callejas; (2) his lack of legal status in the United States; and (3) the fact that he may be subject to removal or deportation after serving any period of incarceration.

## **III. Motion for Emergency Release due to COVID-19**

Mr. Callejas also seeks emergency release due to the COVID-19 pandemic. He argues that his wife is diabetic and needs him to work to support the family and assist in caring for her and their children. Dkt. 19 at 4 ¶ 6. There is no evidence, however, that Mr. Callejas has legal status to work in the United States.

The general risks of the novel coronavirus cannot be disputed, but the Court's decision must pertain to the detention of this defendant as an individual. Courts should evaluate the particularized risks posed to an individual defendant. *See United States v. Sims*, 1:20-CR-11-RP-1, 2020 WL 2114384, at \*1 (W.D. Tex. May 4, 2020); *United States v. Rowe-Hodges*, --- F. Supp. 3d ----, 2020 WL 1969217, at \*2 n.2 (E.D. Tex. Apr. 14, 2020); *United States v. Dunn*, 3:19-CR-503-X, 2020 WL 1862567, at \*2 (N.D. Tex. Apr. 13, 2020).

Here, Defendant has not attempted to establish that he is at heightened risk of serious illness from the novel coronavirus. In addition, Brandon Filla, the Deputy U.S. Marshal in Charge of Austin Division Operations, testified at the detention hearing that no novel coronavirus infections

have been reported at the Caldwell County Jail, where Defendant is housed. Defendant has not established that he faces a particularized risk from COVID-19 and therefore has not shown that he should be released from detention due to COVID-19.

#### **IV. Conclusion**

For the foregoing reasons, **IT IS ORDERED** that Defendant's Motion for Emergency Release due to COVID-19 and Motion to Set Bond (Dkt. 13) and Defendant's Motion in Support of Defendant's Release (Dkt. 19) are **DENIED**.

**SIGNED** on May 29, 2020.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE